

**MINUTES OF THE CITY OF LAS VEGAS REGULAR COUNCIL MEETING HELD ON  
WEDNESDAY, SEPTEMBER 23, 2015 AT 6:00 P.M. IN THE COUNCIL CHAMBERS**

**MAYOR:** Alfonso E. Ortiz, Jr.

**COUNCILORS:** Tonita Gurule-Giroñ  
David L. Romero  
Joey Herrera  
Vincent Howell – Absent

**ALSO PRESENT:** Elmer J. Martinez – City Manager  
Casandra Fresquez – City Clerk  
Dave Romero – City Attorney  
Juan Montano – Sergeant at Arms

**CALL TO ORDER**

Mayor Ortiz, Jr. called the meeting to order at 6:00 p.m.

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

Mayor Ortiz, Jr. asked for a moment to silence to remind everyone of the many problems and issues we experience in the community and added that it was important to work cooperatively for the betterment of the community.

Mayor Ortiz, Jr. acknowledged the public and thanked them for attending the meeting and also thanked Mr. Salas, who was representing the Office of Congressman Lujan for attending.

## **APPROVAL OF AGENDA**

Councilor Gurule-Giroń made a motion to approve the agenda as is. Councilor Herrera seconded the motion. Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

David L. Romero	Yes	Tonita Gurule-Giroń	Yes
Joey Herrera	Yes	Vincent Howell	Absent

City Clerk Fresquez re-read the motion and advised the motion carried.

## **APPROVAL OF MINUTES**

Councilor Herrera made a motion to approve the minutes for August 12<sup>th</sup> Special, August 12<sup>th</sup> Work Session, August 19<sup>th</sup> and August 31<sup>st</sup>, 2015. Councilor Gurule-Giroń seconded the motion. Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

Tonita Gurule-Giroń	Yes	Joey Herrera	Yes
David L. Romero	Yes	Vincent Howell	Absent

City Clerk Fresquez re-read the motion and advised the motion carried.

## **MAYOR'S APPOINTMENTS/REPORTS**

Mayor Ortiz, Jr. informed that the City of Las Vegas was still pursuing the ownership of the old State Police Building and added that the lease is currently in effect. Mayor Ortiz, Jr. added that the City is working diligently to obtain ownership of the building with plans to be used by the Utilities Customer Service Department.

Mayor Ortiz, Jr. advised that the discussion of water issues would take place shortly and expressed that there are many serious challenges ahead regarding water as well as storage and also stated that in the event of a possible fire or drought, it would limit water to a 30 day supply.



Mayor Ortiz, Jr. stated that his concerns were for ranchers, irrigators, conservationists and for the whole community and added that the possibility of cutting customers outside city limits from water could occur.

Mayor Ortiz, Jr. advised that the City was working collaboratively on resolutions regarding the water issues with state agencies, the New Mexico Governor's Office, the Acequias, Storrie Lake Water Users Association, New Mexico Game and Fish and the Department of Interior. Mayor Ortiz, Jr. also stated that it was a complicated process and thought the City was handling it well, however negotiations were not occurring.

### **MAYOR'S RECOGNITIONS/PROCLAMATIONS**

Mayor Ortiz, Jr. recognized the following persons in appreciation for their dedication and loyal service to the City of Las Vegas:

- Jose R. Vialpando, Water Systems Manager-25 years of service
- Adrian Crespin, Police Commander-20 years of service
- Toby S. Lucero, Solid Waste Supervisor-12 years of service

### **PUBLIC INPUT**

Mr. William Gonzales advised that the New Mexico State Engineer's Office initiated a water diversion rotation schedule between a group of Acequias and the City of Las Vegas on August 21<sup>st</sup> with the commencement taking place on August 27<sup>th</sup> involving a week-on, week off situation.

Mr. Gonzales stated that he was concerned of what had transpired in the last couple of days pertaining to Utilities Director Ken Garcia's announcement at a meeting held the day prior at the New Mexico State Engineer's Office in Santa Fe announcing that the City was not going to honor the rotation schedule any longer and that the City would stay on the river.

Mr. Gonzales informed that Utilities Director Garcia was told by State Engineer's Staff that he was to follow the rotation schedule and advised that the river and river gages had been checked that morning and indicated that it was evident that the city was diverting almost the entire flow of the river which is slightly above



6cfs leaving less than 3cfs for three acequias to share, noting that it would not even be enough for one acequia and advised that following that discovery, he contacted Mayor Ortiz, Jr. asking for the City to come off the river, to honor the schedule that had been published and that had been agreed upon to follow the rotation schedule.

Mr. Gonzales stated that Mayor Ortiz, Jr. had informed him that Utilities Director Garcia informed him that it would be alright to stay off of the schedule and that Mayor Ortiz, Jr. would follow up with Utilities Director Garcia and get back with Mr. Gonzales.

Mr. Gonzales advised that Utilities Director Garcia made a call to the chairman of Rio Gallinas, informing him that the City was not going to come off the river and continue to divert water due to the turbidity issues being experienced.

Mr. Gonzales added that Utilities Director Garcia was informed that that was not acceptable, that he was expected to follow the schedule and that the City should consider paying back the Acequias, the two days of water that the City took out of rotation, to make up the water they had lost.

Mr. Gonzales advised that after making calls that afternoon, to the New Mexico State Engineer's Office, they received a call from the Water Master at 10 minutes till 3:00 p.m. informing them that the City had come off the river at 2:30 p.m. that afternoon and advised that it was now 6:30 p.m. and the water still had not made it to the river gage where it is measured and would not be seen until the next morning.

Mr. Gonzales stated that there was no way of verifying if the City had actually come off of the river since the City had refused to put in a telemetry meter like everyone else on the system was utilizing.

Mr. Gonzales added that the City should consider these actions as acts of hostility and that they were not conducive to a good relationship between the City of Las Vegas and the Acequias on the ability to negotiate and questioned if the City was trustworthy when it came time to help the Acequias in the agricultural season.



Mr. Gonzales stated that rotation violations had taken place in previous years and added that he thought the situation was one sided, that it provided more water to the City than the Acequias and believed that the water storage situation was created by the City. Mr. Gonzales added that the City had ample time to refill the reservoirs and asked to reconsider Storrie Lake.

Mr. Gabe Estrada spoke on the importance of water and the cycle use of water and added that they were in the time of the cycle when water needed to be conserved in the soil and the water needed to get to the fields before the first frost therefore the water can penetrate and stay in conservation to use in the spring.

Mr. Estrada explained that he had tried to irrigate that day but there was not enough water to do so.

Mr. Estrada stated that the rotation schedule needed to be followed and spoke of the urgency of the water needs for irrigation and advised that they were in collaboration of mediation with other water users.

Mr. Estrada pleaded with the Governing Body to encourage everyone involved to get out of the litigation process regarding the water issues, to trust each other and do what is right and added that there was no need for costly litigation with no conclusion and hoped that the City would follow the rotation schedule in order to get water down the river so they could finish their season in a timely manner.

## **CITY MANAGER'S REPORT**

Utilities Director Ken Garcia advised that they had met with the New Mexico State Engineer's Office, Storrie Lake and the Acequias on Monday for a public meeting with intentions of discussing issues regarding the Acequias and advised that he was not certain if the Acequias were invited but advised they were not present.

Mayor Ortiz, Jr. advised that he was present at the meeting and stated that there was an invitation extended to the Acequias according to the New Mexico State Engineer, New Mexico State Engineer Representative Richard Trujillo and other individuals present and informed that he was not definite if the communication did not reach some members of the Acequias Commission.



Utilities Director Garcia advised that during the meeting he intended to discuss with the Acequias, the City staying off the river for two additional days that they had requested and offered to go off the river immediately to the Basic Manager and was advised by him to hold off until he would call him back with him.

Utilities Director Garcia informed that he had later received a call from the Water Master; he advised that they went off the river within 20 minutes of that call and clarified to Council that this schedule was a voluntary schedule that the City had objected to since it puts the city in a very precarious position

Utilities Director Garcia advised that the City's reservoirs were down to 64 percent and that the water quality, the algae in the reservoirs were causing complaints from customers and added that prior sharing schedules had acknowledged that and allowed the city to divert and also when the water quality was lower than 70 percent but was not allowed with the current schedule.

Utilities Director Garcia explained that this year's schedule which the City objects to, did not allow the City to divert 1cfs while the Acequias were on and advised that the rotation schedule was not working due to putting the community at risk during a wet year for the reason of water quality problems and critically low reservoir storage.

Utilities Director Garcia added that the City was down to one reservoir and that Bradner had not been started due to dam safety issues, and repairs needed to be made in order to make it usable.

Utilities Director Garcia added that he would like to work with the Acequias but stated that there were three projects that members of the Acequias were protesting which were: Taylor Well Recharge, which would allow to recharge wells to use in situations such as this and would allow to stay off the river, Bradner Dam and the Low Flow Diversion Project, off the skating pond and advised that they had been waiting for three years for the permit to be issued.

Utilities Director Garcia advised that the statements made regarding the telemetry subject matter were not true and added that the City was open to

attending meetings together with the Acequias in order to resolve the water issues.

City Manager Martinez advised that Solid Waste Director Matt Griego would make a presentation regarding the Solid Waste Ordinance requirements and Solid Waste practices used in the community.

Solid Waste Director Griego presented information pertaining to the Ordinance requirements and many issues that are taking place regarding trash and the importance of educating Solid Waste employees and the community as well.

City Manager Martinez advised that the overall goal of the Solid Waste Department is to keep our community clean and meet the requirements of the Ordinance and thanked Solid Waste Director Griego and his staff for their efforts on implementing programs that are positive in the appearance of our community.

Discussion took place of the process of the disposal of branches that the Solid Waste Department utilizes and the issues of keeping costs down regarding trash pick- up.

Councilor Gurule-Giroń recommended that City employees should be first to practice the rules of the Ordinance in order to be the example.

City Manager Martinez advised that the City had recently been involved with a severe animal cruelty case and as a result of that case, meetings had been held with Department Directors, District Attorney's Office, Municipal Judge Trujillo and the Animal Welfare Coalition to discuss a petition for action plan was created in order for City staff to be more pro-active and how to address problems with Animal Welfare issues.

City Manager Martinez informed that a three point plan was created which consisted of reporting, education and reinforcing and advised that the reporting issues were addressed by improving how direct calls to Animal Control in the Community Development Department when received at the AWC.

City Manager Martinez read a memo that was put out on August 17<sup>th</sup> to all City employees regarding the issues of animal neglect and also included a directive



from City Manager Martinez for all City employees to read and sign to commit themselves to report any issues of animal abuse or neglect to Animal Control and to improve animal welfare services in our community.

City Manager Martinez advised that the enforcement aspect of the plan included determining the specific cases which need to be directed to different agencies such as Municipal, Magistrate, District Court or Police Department, depending on the severity of the case.

City Manager Martinez advised that training with Police Officers was taking place, coordination with other agencies and amendments to the Ordinance would be brought to Council and added that education and community awareness was significant toward long term solutions.

City Manager Martinez discussed the operations at the AWC Shelter and advised that they are working on adding a third Animal Control Officer.

City Manager Martinez informed that improvements are being made to improve animal welfare issues.

Councilor Gurule-Giroń had questions and concerns regarding the hiring of an additional Animal Control Officer and the needs of filling positions from other departments to where help is needed.

City Manager Martinez advised that there are many challenges regarding staffing issues.

Councilor Gurule-Giroń asked how many cages and traps Animal Control had to serve the entire community's needs.

Community Development Director Lindsey Valdez informed that they had purchased an additional eight traps for a total of ten traps and added that Animal Control Officers, Manual Silva and Edward Valdez had been work in collaboration with the AWC and also with the Wild Life Refuge on improving animal enforcement issues.



Councilor Gurule-Giroń asked if Animal Control was more efficient when it was previously under the Police Department.

City Manager Martinez advised that there were strengths and limitations under both departments but added that the way it was currently structured allowed good coordination between the two departments.

City Manager Martinez felt comfortable the way it was presently structured however it needed to add more resources to perform their job.

Councilor Herrera thanked City Manager Martinez for taking the initiative to get animal welfare issues back on track and thanked all the supporters and everyone involved for the petition and bringing the issues to the public interest.

Mayor Ortiz, Jr. spoke briefly of the significance to assist in addressing the animal welfare issues throughout the community.

## **FINANCE REPORT**

Finance Director Ann Marie Gallegos presented the Finance Report ending August 31, 2015. General Fund revenues were at fifteen percent and expenditures came in at sixteen percent and added that General Services was affected due to insurance costs for August through December.

Finance Director Gallegos advised that Recreation Department revenue total was at sixteen percent and expenditures were at twenty two percent and advised they were working closely with Community Services Director Philip Ortiz on controlling expenditures regarding the Recreation Center Project.

Mayor Ortiz, Jr. asked Finance Director Gallegos to inform on the upcoming Recreation Center Project.

Finance Director Gallegos advised that a meeting was scheduled with NMFA to review and possibly finalize the application submitted for Phase I Project at the Recreation Center, which was in the total of between 2.4 and 2.6 million dollars, and advised there was money allocated and set aside for Phase II Recreation Project.

Finance Director Gallegos informed that they had received the final contract from WH Pacific and added that hopefully the bid would be awarded by December and advised the project is moving forward in order to move the Senior Citizens back to where they need to be.

Mayor Ortiz, Jr. advised the importance of completing the Recreation Center Project in a timely manner in order to avoid further cost due to the deterioration taking place.

Finance Director Gallegos advised that the Enterprise Funds revenue came in at thirteen percent and reported that expenditures were at six percent.

Finance Director Gallegos reported that \$100,000.00 was collected for July 2015 Gross Receipt Tax which was more than last year and added that projections were conservative.

## **CONSENT AGENDA**

Councilor Gurule-Giroń had a question regarding the reporting of expenditures of the Christmas Light Parade.

City Manager Martinez advised that the expenditures would be reported under advertising and implementation and advised MainStreet would facilitate the event, continue to work with the City of Las Vegas and would also submit a monthly activity report regarding the \$5,000.00.

Councilor Gurule-Giroń made a motion to approve Consent Agenda as is.  
Councilor Romero seconded the motion.

City Clerk Fresquez read into the record the proposed consent agenda to include:

1. Approval to award request for bid #2016-09 for Zeamway line extension materials as a multiple source award to Baker Utility Supply, HD Supply Water Works and Ferguson Water Works.



2. Approval to award request for bid #2016-10 for Clarifloc C-358 Polymer for the Water Treatment Plant to sole bidder Polydyne, Inc.
3. Approval of billing adjustment for the United World College water account.
4. Approval to amend Agreement #3083-15 with MainStreet de Las Vegas to add the coordination and implementation of the Las Vegas Electric Light Parade.

Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

Joey Herrera	Yes	David L. Romero	Yes
Tonita Gurule-Giroñ	Yes	Vincent Howell	Absent

City Clerk Fresquez re-read the motion and advised the motion carried.

City Manager Martinez took the opportunity to advise Council that Event Planner Annette Velarde informed him that she would be meeting with MainStreet that day to review invoicing and reporting concerning the Christmas Light Parade.

## **BUSINESS ITEMS**

1. Approval/Disapproval of certification for fixed assets/inventory for FY15 as per Sections 12-6-1 NMSA 1978 through 12-6-14 NMSA 1978 Article 6 Audit Act.

Finance Director Gallegos advised that the City of Las Vegas is requesting certification of fixed assets/inventory for FY15. This certification will keep the City of Las Vegas in compliance with the State Audit Act and informed that the requested total to certify was \$142,955,812.00 for Governmental, Enterprise, and Housing Fixed assets.

Mayor Ortiz, Jr. asked questions regarding the review of the fixed asset inventory report.

Finance Director Gallegos advised that the report is reviewed by the Deputy Director, Inventory Clerks who assist in the report, followed by the review by City

Manager Martinez and brought to Council and added that it is finally sent to the State Auditors.

City Manager Martinez advised that each Department Director is responsible for working with Inventory and Finance Department regarding the assets in their department.

Councilor Herrera made a motion to approve certification for fixed assets/inventory for FY15 as per Sections 12-6-1 NMSA 1978 through 12-6-14 NMSA 1978 Article 6 Audit Act. Councilor Romero seconded the motion. Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

David L. Romero	Yes	Joey Herrera	Yes
Tonita Gurule-Giron	Stepped Out	Vincent Howell	Absent

City Clerk Fresquez re-read the motion and advised the motion carried.

2. Approval/Disapproval to adopt Resolution #15-46 Senior Center Infrastructure Capital Improvement Plan.

City Manager Martinez informed that Community Services Director Philip Ortiz was absent and that he would present Business Item #2.

City Manager Martinez advised that the New Mexico Senior Citizen Centers are now required to submit an infrastructure capital improvement plan (ICIP) for capital projects to the Department of Finance & Administration/Local Government Division separate from the City.

Mayor Ortiz, Jr. advised that the improvements at the Senior Center Project were greatly supported by the New Mexico Local Government Division and added that it would be a major improvement to the Senior Center.

Councilor Herrera made a motion to approve to adopt Resolution #15-46 Senior Center Infrastructure Capital Improvement Plan. Councilor Gurule-Giron seconded the motion.



Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

David L. Romero	Yes	Joey Herrera	Yes
Tonita Gurule-Giroń	Yes	Vincent Howell	Absent

City Clerk Fresquez re-read the motion and advised the motion carried.

### **COUNCILOR'S REPORTS**

Councilor Gurule-Giroń thanked Finance Director Gallegos for the fixed assets schedules.

Councilor Romero commented on issues regarding the overgrown weeds on Chavez and Sabino Streets.

Community Development Director Valdez advised that she would inform Code Enforcement Officer Levy Lujan regarding the weed issues on Chavez and Sabino Streets.

Mayor Ortiz, Jr. advised that the City of Las Vegas was doing their best to do as much as they can in addressing issues throughout the community.

### **EXECUTIVE SESSION**

Councilor Herrera made a motion to go into Executive Session to discuss Bradner Dam negotiations that pertain to lawsuits, legal matters and potential litigation. Councilor Gurule-Giroń seconded the motion.

Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

Tonita Gurule-Giroń	Yes	Joey Herrera	Yes
David L. Romero	Yes	Vincent Howell	Absent

City Clerk Fresquez re-read the motion and advised the motion carried.

Councilor Herrera made a motion to reconvene into Regular Session and advised that no votes were taken, and only matters of negotiations regarding Bradner Dam were discussed. Councilor Gurule-Giroñ seconded the motion. Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

Tonita Gurule-Giroñ	Yes	David L. Romero	Yes
Joey Herrera	Yes	Vincent Howell	Absent

City Clerk Fresquez re-read the motion and advised the motion carried.

### ADJOURN

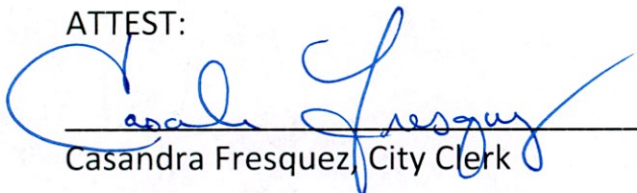
Councilor Gurule-Giroñ made a motion to adjourn. Councilor Romero seconded the motion. Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

David L. Romero	Yes	Joey Herrera	Yes
Tonita Gurule-Giroñ	Yes	Vincent Howell	Absent

City Clerk Fresquez re-read the motion and advised the motion carried.

  
\_\_\_\_\_  
Mayor Alfonso E. Ortiz, Jr.

ATTEST:

  
\_\_\_\_\_  
Casandra Fresquez, City Clerk